

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

KIMBERLY C. WHITE

15-12527-JDW

NOTICE OF MOTION FOR ORDER DECLARING CLAIM SATISFIED

You are hereby notified that Locke D. Barkley, Chapter 13 Trustee, has filed the attached *Motion for Order Declaring Claim Satisfied* in the above styled Chapter 13 proceeding as to the within named mortgage creditor.

Should any party receiving this notice respond or object to said motion, such response or objection is required to be filed on or before September 23, 2019, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

Furthermore, a copy must be served on the undersigned attorney for the Trustee. If no responses are filed, the Court may consider said motion immediately after the time for responses has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney(s), if known.

Dated: August 28, 2019.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

KIMBERLY C. WHITE

15-12527-JDW

MOTION FOR ORDER DECLARING CLAIM SATISFIED

COMES NOW the Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Motion for Order Declaring Claim Satisfied as to the claim of United States of America, United State Department of Agriculture, Rural Housing Service (Clm. #4-2) (the “Creditor”) and in support thereof states as follows:

1. The Debtor’s Chapter 13 Plan was confirmed by Order of this Court entered December 8, 2015, for a term of sixty (60) months (Dkt. #26) (the “Confirmed Plan”). The Confirmed Plan provided for a 100% distribution to nonpriority unsecured creditors with timely filed and allowed proofs of claim.

2. The Confirmed Plan provided for payment of the secured claim (Clm. #4-2) (the “Claim”) of the Creditor, which is secured by real property located at 63 Ruby Lane, Holly Springs, MS 38635.

3. On or about August 20, 2019, the Trustee received correspondence from the Creditor stating that the Claim has been satisfied.

4. The Trustee requests an order of this Court deeming the Claim of the Creditor fully satisfied, including, but not limited to, pre-petition arrearage, and all post-petition payments, escrow shortages and deficiencies, advances, charges, expenses, fees, and attorney’s fees incurred by the Debtor or charged by the Creditor during the course of the bankruptcy, as of the date stated herein.

WHEREFORE, PREMISES CONSIDERED, the Trustee requests this Court enter its order:

- a. Deeming the mortgage loan of the Creditor fully satisfied, including the pre-petition arrearage, all post-petition payments, advances, charges, expenses, fees, and attorney's fees incurred by the Debtor or charged by the Creditor during the course of the bankruptcy;
- b. That any fees, charges, or expenses that the Creditor may allege owed in connection with any alleged default on the Claim or otherwise, which were not approved by this Court through the allowance of the Claim of the Creditor or otherwise, be deemed cured by completion of the Confirmed Plan and therefore canceled and discharged;
- c. That the Creditor release its lien and otherwise comply with applicable nonbankruptcy law; and
- d. Awarding such other and further relief as is just and proper.

Dated: August 28, 2019.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

USDA-Rural Housing Service Centralized Servicing Center
P.O. Box 66879
St. Louis, MO 63166

USDA-RHS
c/o Centralized Service Center
Post Office Box 790170
St. Louis, MO 63179-0170

USDA
c/o U.S. Attorney
900 Jefferson Avenue
Oxford, MS 38655-3351

Dated: August 28, 2019

/s Melanie T. Vardaman
MELANIE T. VARDAMAN